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In re Application of  
WOYZICHOVSKI, Roman  
Application No.: 10/501,310  
PCT No.: PCT/EP02/13702

Int. Filing Date: 04 December 2002

Priority Date: 11 January 2002

Docket No.: 10901/81

For: METHOD FOR INTERPOLATING ...  
RELATIVE EACH OTHER

DECISION

ON PETITION UNDER

37 CFR 1.10(c)

This decision is in response to applicant's "Petition To Correct Filing Date" filed in the United States Patent and Trademark Office on 20 August 2004.

**BACKGROUND**

On 04 December 2002, applicant filed international application PCT/EP02/13702, which claimed a priority date of 11 January 2002. A copy of the international application was transmitted to the United States Patent and Trademark Office from the International Bureau (IB) on 17 July 2003. The thirty month period for paying the basic national fee expired at midnight on 12 July 2004 (11 July 2004 was a Sunday).

Applicant filed a transmittal letter for entry into the national stage in the United States, accompanied by, *inter alia*, the basic national fee. It was accorded a receipt date of 13 July 2004.

On 20 August 2004, applicant filed the instant "Petition To Correct Filing Date" accompanied by, *inter alia*, a copy of the Express Mail mailing label.

**DISCUSSION**

In the instant petition, applicant requests that the filing date of application No. 10/501,310 be amended to 12 July 2004. The requirements for a petition to correct a filing date based on Express Mail records are set forth in 37 CFR 1.10(c). The section states as follows:

(c) Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that there is a discrepancy between the filing date accorded by the Office to the correspondence and the date of deposit as shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation, may petition the Director to accord the correspondence a filing date as of the "date-in" on the "Express Mail" mailing label or other official USPS notation, provided that:

(1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;

(2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail;" and

(3) The petition includes a true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS relied upon to show the date of deposit.

Items (1), (2) and (3) have been met. The petition was filed promptly. The Express Mail mailing label number was listed on the correspondence. Applicant has provided a copy of the Express Mailing mailing label with the "date-in" listed as 12 July 2004.

### CONCLUSION

For the reasons listed above, applicant's petition under 37 CFR 1.10(c) to correct the receipt date of the national stage submission to 12 July 2004 is **GRANTED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for continued processing in accordance with this decision, including the mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the surcharge for late filing of the oath or declaration are required.



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